UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,245	01/26/2004	Feng Cao	062891.1187	4163

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EXAMINER
ZENATI, AMAL S

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
11/06/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/766,245	CAO ET AL.
	Examiner	Art Unit
	AMAL ZENATI	2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>30 September 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

U.S. Patent and Trademark Office

1.   Applicants' arguments, with regards to Examiner's rejection under 35 U.S.C 102 (e), filed 30 September 2008 has been fully considered but they are not persuasive.

2.   Applicants argue regarding claims 1, 9, 17 and 27 on pages 13 - 15 of the Applicant's Response that Ong fails to disclose "transmitting a notification message to a remote node, wherein the notification message identifies the call identifier and the filter status of the call"

        The Examiner respectfully disagrees with Applicants' arguments, Ong teaches that the call server 130 (node 40) downloads the filtering information, including a filtering characteristic, and/or modifying action to the real-time firewall 150 (remote node) using a control protocol (downloads using a control protocol read on transmitting a notification message) (col. 5, lines 10-23; and fig. 1, labels: 130 , 135, and 150); Ong clearly defines the control protocol as the following: the control protocol may be any appropriate protocol, examples of the control protocol 135/195 include Media Gateway Control Protocol and the Common Open Policy Service (COPS) protocol (col. 4, lines 49-53). Moreover, Ong defines filtering characteristic as stated in the Final office action (col. 4, lines 9-14). Therefore, "downloads the filtering information, including a filtering characteristic" that Org teaches read on "wherein the notification message identifies the call identifier and the filter status of the call"; As a result, Ong clearly discloses claims 1, 9, 17, and 27

3.   Applicants argue regarding claims 7, 15, 24 and 28 on page 15-16 of the Applicant's Response that Ong fails to disclose "receiving a request message from a remote node, wherein the request message includes a call identifier; and transmitting an acknowledgement message to the remote node, wherein the acknowledgement message identifies the filter status.," since Applicants still argue that Ong fails to disclose "wherein the request message (REQ) includes a call identifier."

        The Examiner respectfully disagrees with Applicants' arguments, The Examiner here points out clearly that the rejection for "wherein the request message (REQ) includes a call identifier" does not rely on inherency. Ong clearly discloses that the Common Open Policy Service (COPS) message CONSISTS OF a (REQ) message and a decision (DEC) message. The objects carried in the COPS message may include Policy Rule Identifier (PRID) objects. The PRID objects reference one or more specific filtering rules (e.g., traffic bandwidth, IP address or port number corresponding to the call) (emphasis added) (col. 4, lines 52 – 67; and col. 5, lines 1-2). As a result, Ong teaches the REQ message includes a call identifier. Therefore, Ong discloses clearly claims 7, 15, 24, and 28.

4.   The Declaration under 37 CFR 1.132 filed 09/30/2008 is sufficient to overcome the rejection of claims 1-28 based upon 35 U.S.C. § 102 (a) over Cao.